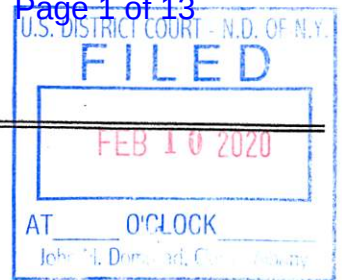


AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Northern District of New York



Jason Eaton

Petitioner

v.

Case No. 9:20-cv-140 (GTS/TWD)

(Supplied by Clerk of Court)

S. Lovett, Warden, F.C.I. Ray Brook

Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Jason Eaton
- (b) Other names you have used:
2. Place of confinement:
 - (a) Name of institution: F.C.I. Ray Brook
 - (b) Address: P.O. Box 900 Ray Brook, NY 12977
 - (c) Your identification number: 30271-050
3. Are you currently being held on orders by:

☒ Federal authorities ☐ State authorities ☐ Other - explain:
4. Are you currently:

☐ A pretrial detainee (waiting for trial on criminal charges)

☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: United States district court
Eastern District of Virginia
 - (b) Docket number of criminal case: 3:17cr00043-001
 - (c) Date of sentencing: September 11, 2017

☐ Being held on an immigration charge

☐ Other (explain):

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☐ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☒ Other (explain): I am challenging the "FBOP" decision to place me in "IFRP Refuse" status. Only a court has the authority to set a schedule of restitution payments while petitioner is in prison and that authority cannot be delegated to the Federal Bureau of Prisons

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: FBI Ray Brook P.O. Box 900 Ray Brook NY, 12977(b) Docket number, case number, or opinion number: N/A Internal informal action taken by case manager MS. Goheens.

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

While under duress and under threat of losing both program points which determine my custody levels as well as my eligibility for halfway house placement, I was forced to sign a F.R.P. contract which is both unlawful and contrary to the sentence imposed by the judge presiding over my case.

(d) Date of the decision or action:

1-8-2020**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

(6) Issues raised:

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ No

If "Yes," provide:

(b) Name of the authority, agency, or court:

(d) Docket number, case number, or opinion number:

(f) Date of result:

(g) Issues raised:

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE:

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☐ No

GROUND TWO:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☐ No

GROUND THREE:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☐ No

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GROUND FOUR:(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: I would like the court to order the B.O.P to vacate its decision to place Petitioner in "IFRP Refuse" status. To vacate all sanctions it imposed against him and Restore the petitioner to the position he would have been which was pending designation for Halfway House re-entry program before B.O.P's decision to place him in "IFRP Refuse" status.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

2-5-2020

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

1-28-20



Signature of Petitioner

Signature of Attorney or other authorized person, if any

PAGE NO: 001

INMATE FINANCIAL PLAN


REGISTER NUMBER: 30271-050
INMATE NAME.....: EATON, JASON
FACILITY.....: RAY BROOK FCI

A STAFF MEMBER HAS PROVIDED ME WITH INFORMATION REGARDING THE POTENTIAL CONSEQUENCES OF A REFUSAL ON MY PART TO PARTICIPATE IN THE INMATE FINANCIAL RESPONSIBILITY PROGRAM.

I AGREE TO SUBMIT PAYMENTS TOWARD SATISFACTION OF THE FINANCIAL OBLIGATION(S) INDICATED ON THIS FORM IN ACCORDANCE WITH THE PAYMENT PLAN OUTLINED BELOW. I AGREE TO FOLLOW THIS PAYMENT PLAN UNTIL THE FINANCIAL OBLIGATION(S) IS SATISFIED.

I FURTHER UNDERSTAND THAT THE PAYMENT PLAN WILL AUTOMATICALLY STOP AND NO FUNDS WILL BE WITHDRAWN FROM MY ACCOUNT IN THE EVENT THAT I AM PERMANENTLY RELEASED FROM MY PRESENT INSTITUTION OF CONFINEMENT. IN THE EVENT THAT I AM RELEASED PURSUANT TO A WRIT (INCLUDING A REQUEST FOR TEMPORARY CUSTODY PURSUANT TO THE INTERSTATE AGREEMENT ON DETAINERS) THE PLAN WILL NOT TERMINATE UNLESS I NOTIFY UNIT STAFF THAT UPON COMPLETION OF ANY PAYROLL/DEDUCTION CYCLES IN PROGRESS AT THE TIME I LEAVE THE INSTITUTION I WISH THE PLAN TO TERMINATE.

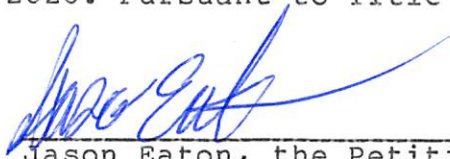
PAYMENT METHOD...: AMT/PCT: \$1500 FREQ: MO ORIGIN: TF 2/2020 ARM
START CYCLE.....: 02/2020
INMATE DECISION...: agree
OBLIGATION NUMBER: 3 1 4 _____

INMATE SIGNATURE.....: DT SIGNED: 8 Jan 2020STAFF WITNESS SIGNATURE: Angela BohannonDT SIGNED: 8 Jan 2020

PROOF OF SERVICE

The Petitioner declares under penalty of perjury that the foregoing Title 28 U.S.C §2241 has been serviced to the United States Attorney's Office for the Northern District of New York located at: 445 Broadway Albany New York 12207 under the laws of the United States of America and that said statement of service is true and correct. Executed on February 03, 2020. Pursuant to Title 28 U.S.C §1746

Date 2-5-20



Jason Eaton, the Petitioner
P.O. Box 900
F.C.I Ray Brook
Ray Brook, NY 12977

JUS011 Eaton #30211-050
F.C.I. Ray Brook
P.O. Box 900
Ray Brook, NY 12977



Northern District New York
James T. Foley United States Courthouse
445 Broadway, Room 509
Albany, NY 12207



F.C.I. RAY BROOK
P.O. BOX 300 RAY BROOK, NEW YORK
DATE: 2/6/20

"The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer enclosed correspondence for forwarding to another addressee, please return the enclosed to the above address."

